

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

UNITED STATES OF AMERICA,	)		
	)		
v.	)	Case No.	2:15-cr-130
	)		2:16-cr-28
JOSE LUIS MORALES.	)		

**REPORT AND RECOMMENDATION**

This matter came before the court for an Initial Appearance on the Amended Petition for Warrant for Offender Under Supervision [DE 25] on October 25, 2016. The defendant, Jose Luis Morales, did not request a hearing based on the allegations, rather the parties announced an agreement had been reached. Having considered the evidence presented, the remarks of Assistant United States Attorney Jill Koster and Attorney Roxanne Mendez Johnson, counsel for the defendant, and in light of the parties' agreement it is **RECOMMENDED** that Jose Luis Morales' supervised release be revoked and sentenced to Bureau of Prisons for a period of ten months, with no supervised release to follow.

Attorney Mendez Johnson advised Morales of his constitutional rights. Morales was convicted of Bank Robbery in violation of 18 U.S.C. 2113(a), 2-15-CR-130 and 2-16-CR-28, and sentenced to 60 months in the Bureau of Prisons with 36 months of supervised release. A condition of his release was to refrain from the use of alcohol. Morales has admitted to Violation Number 2 as alleged by the U.S. Probation Office in its Amended Petition for Warrant for Offender under Supervision. Morales admitted that on October 19, 2016, he submitted to an alcohol breath test administered by his probation officer, which produced a BAC reading of .027 and to other incidents of relapse, including the use of vodka on October 12, 2016. Morales understood that these were violations of his supervised release conditions.

All parties were in agreement as to the sentence, and waived a final hearing on the violation of supervised release. Morales, while represented by counsel, waived his right to appear in person and speak on his own behalf before Judge James T. Moody for sentencing.

**Federal Rule of Criminal Procedure 32.1.** It is **RECOMMENDED** that Morales' supervised release be revoked and a ten month sentence be imposed as a result of the admitted violation, with no supervised release to follow.

Pursuant to **28 U.S.C. §636(b)(1)**, the parties shall have fourteen days after being served with a copy of this Recommendation to file written objections thereto with the Clerk of Court. The failure to file a timely objection will result in the waiver of the right to challenge this Recommendation before either the District Court or the Court of Appeals. *Willis v. Caterpillar, Incorporated*, 199 F.3d 902, 904 (7<sup>th</sup> Cir. 1999); *Johnson v. Zema Systems Corporation*, 170 F.3d 734, 739 (7<sup>th</sup> Cir. 1999); *Hunger v. Leininger*, 15 F.3d 664, 668 (7<sup>th</sup> Cir. 1994); *The Provident Bank v. Manor Steel Corporation*, 882 F.2d 258, 260-61 (7<sup>th</sup> Cir. 1989); *United States v. Johnson*, 859 F.2d 1289, 1294 (7<sup>th</sup> Cir. 1988); *Lebovitz v. Miller*, 856 F.2d 902, 905 n.2 (7<sup>th</sup> Cir. 1988).

ENTERED this 27th day of October, 2016.

/s/ Andrew P. Rodovich  
United States Magistrate Judge